

United States District Court

District of Kansas

UNITED STATES OF AMERICA

v.

Harcros Chemicals, Inc

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

Case Number: 5:19CR40021 - 002

Defendant Organization's Attorney: Cynthia L. Phillips-Cordes
and Kip Benjamin Randall**THE DEFENDANT ORGANIZATION:**

- ☒ pleaded guilty to count(s): 1 of a one-count Superseding Information.
- ☐ pleaded nolo contendere to count(s) ___ which was accepted by the court.
- ☐ was found guilty on count(s) ___ after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
42 U.S.C. § 7413(c)(4)	Clean Air Act Violation, a Class A Misdemeanor	10/21/2016	1

The defendant organization is sentenced as provided in pages 1 through 3 of this judgment.

- ☐ The defendant organization has been found not guilty on count(s) ___.
- ☒ Counts 1 and 2 of the Superseding Indictment, as well as the original Indictment, as they pertain to this defendant are dismissed on the motion of the United States.

IT IS ORDERED that the defendant organization must notify the United States Attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's

Federal Employer ID No: X05/27/2020

Date of Imposition of Judgment

Defendant Organization's Principal Business Address:

HARCROS CHEMICALS INC 5200 Speaker Road
Kansas City, KS 66106s/ Daniel D. Crabtree

Signature of Judge

Defendant Organization's Mailing Address:

HARCROS CHEMICALS INC 5200 Speaker Road
Kansas City, KS 66106Honorable Daniel D Crabtree, U.S. District Judge

Name & Title of Judge

05/29/2020

Date

DEFENDANT ORGANIZATION: Harcros Chemicals, Inc
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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the Schedule of Payments set forth in this Judgment.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$125	\$1,000,000	Not applicable

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<u>Totals:</u>	\$	\$	
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- ☐ Restitution amount ordered pursuant to plea agreement \$_____.
- ☐ The defendant organization shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options set forth in this Judgment may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.
- ☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Criminal monetary penalties are due immediately. Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows, but this schedule in no way abrogates or modifies the government's ability to use any lawful means at any time to satisfy any remaining criminal monetary penalty balance, even if organization is in full compliance with the payment schedule:

- A ☐ Lump sum payment of \$___ due immediately, balance due
☐ not later than ___, or
☐ in accordance with ☐ C, ☐ D below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D below); or
- C ☐ Payment in monthly installments of not less than ___ over a period of ___ years to commence ___ days after the date of this judgment; or
- D ☒ Special instructions regarding the payment of criminal monetary penalties:

If restitution is ordered, the Clerk, U.S. District Court, may hold and accumulate restitution payments, without distribution, until the amount accumulated is such that the minimum distribution to any restitution victim will not be less than \$25.

All criminal monetary penalties are made to the clerk of the court. Payments should be made to Clerk, U.S. District Court, U.S. Courthouse - Room 259, 500 State Avenue, Kansas City, Kansas 66101.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount Joint and Several Amount and corresponding payee, if appropriate.

<u>Case Number</u> <u>(Including Defendant Number)</u>	<u>Defendant Name</u>	<u>Joint and Several</u> <u>Amount</u>
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- ☐ The defendant organization shall pay the cost of prosecution.
- ☐ The defendant organization shall pay the following court cost(s):
- ☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States. Payments against any money judgment ordered as part of a forfeiture order should be made payable to the United States of America, c/o United States Attorney, Attn: Asset Forfeiture Unit, 1200 Epic Center, 301 N. Main, Wichita, Kansas 67202.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.